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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/455,104 | 12/06/1999 | RICHARD ALAN DAYAN | RP9-99-125 | 4653 |
| 45503 | 7590 | 10/22/2004 | EXAMINER | |
| DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759 | | | COLIN, CARL G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2136 | 10 |

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/455,104 | DAYAN ET AL. |
| | Examiner Carl Colin | Art Unit 2136 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 July 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 13-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 December 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 7/26/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

1.1 The amendments have been entered and the 35 U.S.C. 112 rejection has been withdrawn. The following claims 13-21 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an

international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.1 **Claims 13-21** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,098,171 to **Johnson et al.**

2.2 **As per claim 13, Johnson et al.** discloses a computer comprising: a processor, a memory having a memory address space, the memory address space comprising a stored program, the stored program including a power-on-self-test (POST), for example (see column 2, lines 33-39); a first input device operatively connected to the processor (figure 3B); an adapter read-only-memory (ROM) located in certain blocks of the memory address space, for example (see column 2); a control associated with the POST for preventing an input from the first input device during the POST to prevent user inputs from entering the memory, for example (see column 4, line 20 through column 5, line 15); a security signature in the adapter ROM for identifying if the first input device may temporarily accept a user input, for example (see column 4, line 20 through column 5, line 15; and column 3, lines 38-65); a ROM security routine for

determining if user input is required and further including a test for user authorization, for example (see column 4, line 20 through column 5, line 15; and column 3, lines 38-65; columns 11-12); an indicator stored in the memory for permitting a user input during at least a portion of the POST, with the processor responding to the indicator and allowing a user input at the input device during POST by at least temporarily overriding the control preventing a user input during the POST if the user successfully satisfies the authorization test, for example (see column 3, line 18 through column 5, line 15); and a second input device operatively connected to a Universal Serial Bus (USB) port in the computer, wherein the second input device is selectively locked out only if the first input device is prevented from inputting a signal during the POST, for example (see column 4, line 20 through column 5, line 15).

As per claims 14-15, Johnson et al. discloses the limitation of wherein the first input device is a keyboard communicating with the computer via a dedicated keyboard port, for example (see column 9, lines 28-40).

As per claims 16-19, Johnson et al. discloses a method and computer comprising disabling, via a first mechanism, a dedicated keyboard coupled to a dedicated keyboard port of a computer while a Power-On-Self-Test (POST) is executing in the computer, for example (see column 4, line 20 through column 5, line 15); and in response to the dedicated keyboard being disabled, disabling, via a second mechanism, a Universal Serial Bus (USB) port on the computer, for example (see column 4, line 20 through column 5, line 15 and column 12, lines 17-45).

Johnson et al. discloses the inventive concept of disabling a USB port or USB keyboard via

password or hardware in response to a dedicated keyboard being disabled, for example (see also claims 7-11 in column 14, and see column 6).

Claims 20 and 21 are similar to claims 18 and 19 except for specifying using a keyboard sensing switch for monitoring the USB port for an enabling password, for example (see column 11; column 14, claims 7-11; and column 6).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday and every other Friday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Carl Colin

Patent Examiner

October 15, 2004

E. Moise
EMMANUEL L. MOISE
PRIMARY EXAMINER
A/12/36